

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of : Robertson and Tremellen
 Serial No. : 09/380,327
 Group Art Unit : 1644
 Filed : September 3, 1999
 Examiner : Huynh, P.
 For : Treatment and Diagnosis of Infertility Using
 TGF β or Activin



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TECH CENTER 1600/2900
 Harry
 1-5-01

Assistant Commissioner for Patents
 Washington, D. C. 20231

ELECTION OF INVENTION, AMENDMENT AND RESPONSE

Sir:

Before considering Applicant's Election in the above-referenced patent application and prior to substantive examination, in order to avoid the duplication of claims 64 and 65, please amend claim 65 as follows:

In claim 65, please change "on sperm cells" to "in the seminal plasma".

REMARKS

After entering the above amendment and in response to the Examiner's correspondence dated November 27, 2000, pursuant to the Examiner's restriction requirement in the above-referenced patent application, Applicants provisionally elect with traverse to prosecute the invention set forth in Group XII (claims 50-60, 64-67, 70-71, 73, 76-77, 79, 81, 83-88 and 90-93), which is drawn to a method of treating an infertility condition in human or mammal by administering a prospective mother a sperm antigen of the prospective father and active TGF β 2, classified in Class 424, subclass 85.1, Class 424, subclass 520.